

Exhibit D



Providing Professional Services to
the Telecommunications Industry Since 1994

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January 16, 2004

Mr. Steve Vick
Montana Public Service Commission
1701 Prospect Avenue
P.O. Box 202601
Helena, MT 59620-2601

Re: Petition for ETC designation – Triangle Communications System, Inc.

Dear Mr. Vick:

Please find attached for filing the Petition of Triangle Communications System, Inc. for Eligible Telecommunications Carrier designation in the indicated rural telephone company service area(s). Triangle Communications System, Inc. hereby requests that the Commission establish a docket for the processing of this Petition.

Triangle Communications System, Inc. is aware that the Commission must find the designation of Triangle Communications System, Inc. to be in the public interest as a prerequisite to such designation. In this regard, Triangle Communications System, Inc. supports the impending filing of a joint Petition for rulemaking by MITS and MTA that will suggest Commission rules for the determination of the public interest. Triangle Communications System, Inc. therefore requests that once a docket has been established for the processing of this petition, that docket (and any other dockets involving ETC applications in areas served by rural telephone companies) be temporarily stayed or suspended upon the filing of MITS and MTA's joint Petition for Rulemaking until such time as the Commission has processed the joint Petition for Rulemaking.

Sincerely,

Michael C. Strand, Counsel

cc:

Montana Consumer Counsel

MITS, P.O. Box 5237, 2021 11th Avenue, Suite 12, Helena, MT 59601-5237

Phone: 406-443-1940 / Fax: 406-443-2880

E-Mail: info@mitsel.com / Web Site: www.mitsel.com

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

COPY

In the matter of the petition)
By TRIANGLE)
COMMUNICATIONS)
SYSTEM, INC.)
For Designation as an)
Eligible Telecommunications)
Carrier.)

Utility Division

Docket No. _____

PETITION OF TRIANGLE COMMUNICATIONS SYSTEM, INC.
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

I. INTRODUCTION

Triangle Communications System, Inc., P.O. Box 1220, Havre, Montana 59501, pursuant to § 47 U.S.C. 214(e) (2) and § 69-3-840, MCA, hereby petitions the Montana Public Service Commission (Commission) for designation as an Eligible Telecommunications Carrier (ETC) within the Montana exchanges served by Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc.

Triangle Communications System, Inc. meets all of the statutory requirements for designation as an Eligible Telecommunications Carrier (ETC). Designating Triangle Communications System, Inc. as an ETC will serve the public interest by providing customers in the identified exchanges a choice of communication providers, by allowing Triangle Communications System, Inc. to upgrade and improve its service through the

use of Universal Service Funds, and by meeting any technical and service quality standards established by the Commission as public interest criteria.

Triangle Communications System, Inc. believes it has a fiduciary responsibility to seek ETC designation within the identified exchanges.

Triangle Communications System, Inc. encourages the Montana Public Service Commission to expedite rules establishing minimum service quality standards applicable to ETC designations and certifications within the State of Montana. It is the intention of Triangle Communications System, Inc. to fully comply with such minimum service quality standards as established by the Commission as a prerequisite for ETC designation and continued ETC certification.

It is the understanding of Triangle Communications System, Inc. that Montana Independent Telecommunications Systems (MITS) and the Montana Telecommunications Association (MTA) will be jointly filing with the Commission proposed minimum service quality standards for ETC designation and certification and requesting that the Commission initiate an expedited rule-making proceeding to consider the proposed rules. It is Triangle Communications System, Inc.'s understanding that the proposal of MITS and MTA will include a request that the PSC stay or suspend all pending ETC applications in the service areas of rural telephone companies until such time that the PSC adopts final rules addressing minimum service quality standards for ETC designation and certification. Triangle Communications System, Inc. intends to support the rules proposed by MITS and MTA, the request for an expedited rule-making proceeding, and request to stay or suspend all pending ETC applications in the service

areas of rural telephone companies until the conclusion of the expedited rule-making proceeding.

Triangle Communications System, Inc. will file initial testimony supporting its ETC application pursuant to a Procedural Order issued by the Montana Public Service Commission in this proceeding.

II. REQUIREMENTS FOR ETC DESIGNATION

Triangle Communications System, Inc. will offer all services required for designation as an Eligible Telecommunications Carrier.

§ 47 U.S.C. 214(e) (1)(A) requires a common carrier designated as an ETC to offer, throughout the service area for which the designation is received, the services that are supported by Federal universal service support mechanisms, either using its own facilities or a combination of its own facilities and resale of another carrier's services. The FCC has identified the following services as those supported by the Federal Universal Service Fund and therefore required of ETCs:¹

- 1) Voice grade access to the public switched network;
- 2) Access to free of charge "local usage" defined as an amount of minutes of use of exchange service;
- 3) Dual tone multi-frequency signaling or its functional equivalent;
- 4) Single-party service or its functional equivalent;
- 5) Access to emergency services;
- 6) Access to operator services;
- 7) Access to interexchange services;

¹ 47 C.F.R. § 54.101(a)(1)-(9)

- 8) Access to directory assistance; and
- 9) Toll limitation services for qualifying low-income customers

Triangle Communications System, Inc. will provide all services designated for support as set forth in 47 C.F.R. § 54.101(a) (1)-(9).

Triangle Communications System, Inc. will advertise and promote its universal service offerings.

§ 47 U.S.C. 214(e) (1) (B) requires a carrier designated as an ETC to advertise the availability of such services and the charges using media of general distribution. Triangle Communications System, Inc. intends to advertise its services throughout its requested designated service area through several different media, including newspaper, television, radio, and public meetings to promote its service offerings. Once designated, Triangle Communications System, Inc. will advertise the availability of and charges for its universal service offerings through media of general distribution.

Designation of Triangle Communications System, Inc. as an ETC is in the public interest.

In the areas served by rural telephone companies, in addition to providing the statutorily mandated services noted above, additional ETC designation must be in the public interest.² The designation of Triangle Communications System, Inc. as an ETC will clearly serve the public interest by providing customers in the designated service areas a choice of communications providers and communication technologies. Customers in rural areas are to have access to telecommunication and information services that are

² § 47 U.S.C. 214(e) (2)

reasonably comparable to those services provided in urban areas and that are available at rates that are reasonably comparable to rates charged for similar services in urban areas.³ For this reason, Triangle Communications System, Inc. intends to comply with any technical and service quality standards the Commission may establish as public interest criteria. The designation of Triangle Communications System, Inc. as an ETC would further provide Triangle Communications System, Inc. with the financial ability to continue to provide universal service offerings to these customers. The public interest would also be served by the ETC designation by enhancing Triangle Communications System, Inc.'s ability to contribute to public safety needs.

III. CONCLUSION

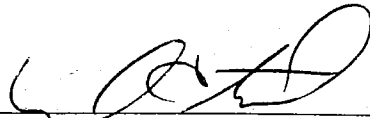
Triangle Communications System, Inc. provides the supported services, satisfies all applicable requirements, and can and will meet the obligations of an ETC. Designation of Triangle Communications System, Inc. as an ETC is in the public interest. Designation as an ETC would allow Triangle Communications System, Inc. to increase wireless access in rural service areas and provide a choice of communication providers in the requested service areas.

Triangle Communications System, Inc. respectfully requests the Commission designate it as an Eligible Telecommunications Carrier within the Montana exchanges served by Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc., in accordance with the provisions of the Communications Act of 1934, as amended.

³ § 47 U.S.C. 254(b) (3)

Respectfully submitted this 16th day of January, 2004.

By:

A handwritten signature in black ink, appearing to read "Michael C. Strand", written over a horizontal line.

Michael C. Strand, Counsel
Triangle Communications System, Inc.

Exhibit E



Montana
Independent
Telecommunications
Systems

Providing Professional Services to
the Telecommunications Industry Since 1994

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2005 NOV 23 AM 11: 09

PUBLIC SERVICE
COMMISSION

November 23, 2005

ORIGINAL

Kate Whitney
Montana Public Service Commission
P.O. Box 202601
Helena, MT 59620-2601

Re: D2004.1.6 - Triangle Communication System, Inc. – Amended Petition for
ETC designation

Dear Kate:

I am enclosing an original and ten copies of an Amended Petition by Triangle
Communication System, Inc. (TCS), for designation as an eligible telecommunications
carrier in Docket D2004.1.6.

Please feel free to give us a call if there are any questions at all concerning TCS's
amended petition.

Sincerely,

Michael C. Strand
CEO and General Counsel
MITS

cc:

Montana Consumer Counsel

MITS, P.O. Box 5237, 2021 11th Avenue, Suite 12, Helena, MT 59601-5237

Phone: 406-443-1940 / Fax: 406-443-2880

E-Mail: mits@mitstel.com / Web Site: www.mitstel.com

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DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

In the matter of the petition by TRIANGLE)	
COMMUNICATION SYSTEM, INC.)	Utility Division
For Designation as an Eligible)	
Telecommunications Carrier.)	Docket No. D2004.1.6

AMENDED PETITION OF TRIANGLE COMMUNICATION SYSTEM, INC.
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

I. INTRODUCTION

Triangle Communication System, Inc., P.O. Box 1220, Havre, Montana 59501, hereby amends its petition filed with the Montana Public Service Commission (Commission) on January 16, 2004, for designation as an Eligible Telecommunications Carrier (ETC) within the Montana exchanges served by Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc.

Triangle Communication System, Inc. (TCS) originally requested ETC designation for the entire study areas of Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc.¹ TCS hereby amends its petition to request that the Commission redefine the service area for both Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc. from those companies' study areas to individual wire centers that fall within TCS' licensed cellular wireless service area.

¹ Docket No. D2004.1.6, filed January 16, 2004.

II. SERVICE AREA REDEFINITION PROCESS

Section 214(e)(5) of the Federal Telecommunications Act of 1996 provides that states may establish geographic service areas within which competitive ETCs such as TCS are required to comply with universal service obligations and are eligible to receive universal service support.² For an area served by rural incumbent LECs such as both Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc., however, the Act states that a company's service area for the purposes of ETC designation will be the rural incumbent LEC's study area "unless and until the Federal Communications Commission (FCC) and the States, after taking into account the recommendations of a Federal-State Joint Board (Joint Board), establish a different definition of service area for such company."³ This process of changing the incumbent LEC's service area — and therefore the competitive ETC's service area — is known as the redefinition of a service area. The FCC adopted section 54.207(c) of its rules to implement this requirement.⁴

²See 47 U.S.C. § 214(e)(5) ("The term 'service area' means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms.")

³*Id.*

⁴Section 54.207(c) of the Commission's rules provides the mechanism by which a state commission may propose to redefine a rural incumbent LEC's service area for purposes of determining universal service obligations and support. See 47 C.F.R. §§ 54.207(a), (c). The Commission has authority to propose a service area redefinition on its own motion under section 54.207(d) of the Commission's rules, but such redefinition would not go into effect without the agreement of the relevant state commission. See 47 C.F.R. § 54.207(d). Under section 54.207(c)(1), a state may petition the Commission for a redefinition or a party may petition the Commission with the state's proposal to redefine. The petition must contain: (i) the definition proposed by the state commission; and (ii) the state commission's ruling or other official statement presenting the state commission's reason for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural carrier. See 47 C.F.R. § 54.207(c)(1). Section 54.207(c)(3) provides that the Commission may initiate a proceeding to consider a state commission's proposal to redefine the area served by a rural incumbent LEC within 90 days of the release date of a public notice. See 47 C.F.R. § 54.207(c)(3). If the Commission initiates a proceeding to consider the petition, the proposed definition will not take effect until both the state commission and the Commission agree upon the definition of a rural carrier service area, in accordance with section 214(c)(5) of the Act. If the Commission does not act on a petition to redefine a service area within 90 days of the release of the public notice, the definition proposed is deemed approved by the Commission and takes effect in accordance with state procedures. See 47 C.F.R. § 54.207(c)(3)(ii).

After receiving recommendations⁵ from the Joint Board, the FCC released a *Report and Order* on March 17, 2005, (CC 96-45, FCC 05-46, Adopted Feb 25, 2005), that provided guidance on the procedures applicable to the redefinition of rural service areas. In paragraph 79 of its 2005 *ETC Order*, the FCC stated its intention to apply the standards previously set forth in its *Highland Cellular ETC Designation Order* and *Virginia Cellular ETC Designation Order* when considering whether to grant a petition for redefinition.

In the *Virginia Cellular ETC Designation Order (Virginia Cellular Order)*, the FCC determined that when defining a service area other than the study area it would take into account three factors: (1) minimizing cream skimming; (2) recognizing that the 1996 Act places rural telephone companies on a different competitive footing from other LECs; and (3) recognizing the administrative burden of requiring rural telephone companies to calculate costs at something other than a study area level.⁶

The first factor to consider is whether redefinition of the study area will present any risk of creamskimming. As the FCC explained in paragraph 26 of its *Highland Cellular ETC Designation Order*,⁷ rural cream skimming occurs when competitors serve only the low-cost, high revenue customers in a rural telephone company's study area.⁸ TCS is clearly not

⁵ See *Federal-State Joint Board on Universal Service*, Recommended Decision, CC Docket No. 96-45, 19 FCC Rcd 4257, 4258, para. 2 (2004) (*Recommended Decision*).

⁶ In the *Matter of Federal-State Joint Board on Universal Service; Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338, adopted December 31, 2003, released January 22, 2004 (*Virginia Cellular ETC Order*).

⁷ See In the *Matter of Federal-State Joint Board on Universal Service; Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 04-37, adopted February 24, 2004, released April 12, 2004 (*Highland Cellular ETC Order*).

⁸ See also: 1996 *Recommended Decision*, 12 FCC Rcd at 180, para. 172. "Creamskimming" refers to instances in which a carrier serves only the customers that are the least expensive to serve, thereby undercutting the ILEC's ability to provide service throughout the area. See, e.g., *Universal Service Order*, 12 FCC Rcd at 8881-2, para. 189.

creamskimming. TCS seeks to be designated within its entire FCC-licensed cellular service area. It has not picked only certain areas within its licensed cellular service area.

The second factor that must be considered is whether redefinition will impact the regulatory status of the affected rural telephone company or companies under the Telecommunications Act of 1996. There is nothing that would affect the regulatory treatment of either Triangle Telephone Cooperative Association, Inc. or Central Montana Communications, Inc. Also, the FCC has made the determination that redefinition of the study area does not affect embedded costs of the company or the amount of universal service support that it receives.⁹

The third factor to be considered is whether any administrative burdens will result from the redefinition of the service area. The administrative ease of calculating costs on a less-than-study area level is not an issue because any federal universal service support available to TCS would be based on the per-line support available to the incumbent ETCs. In the *Virginia Cellular ETC Order*, the FCC determined that redefining the rural telephone company service areas will not require the rural telephone companies to determine their costs on a basis other than the study area level. Rather, the redefinition merely enables competitive ETCs to serve areas that are smaller than the entire incumbent local exchange company study area. The redefinition does not modify the existing rules applicable to rural telephone companies for calculating costs on a study area basis, nor, as a practical matter, the manner in which they will comply with these rules. The FCC found that the concern that redefining rural service areas would impose additional administrative burdens on affected rural telephone companies was not at issue.¹⁰

⁹ In the matter of Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, CC Docket No. 96-45, Memorandum and Opinion and Order, FCC 03-338, Paragraphs 41 and 43, released January 23, 2004.

¹⁰ Id. ¶ 44

Through its testimony, TCS will demonstrate that redefining the service areas of both Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc. that are applicable for TCS' ETC status and approving TCS' application for ETC designation for those redefined service areas are in the public interest.

III. LIST OF WIRE CENTERS

The Triangle Telephone Cooperative Association, Inc. wire centers that would comprise the redefined study area applicable to TCS are: Chinook, Turner, Hays, Whitewater, South Malta, and Chester.

The Central Montana Communications, Inc. wire centers that would comprise the redefined study area applicable to TCS are: Harlem and Malta.

IV. CONCLUSION

Triangle Communication System, Inc. (TCS) originally requested ETC designation for the entire study areas of Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc.¹¹ Triangle Communication System, Inc. provides the supported services, satisfies all applicable requirements, and can and will meet the obligations of an ETC within service areas of Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc. that fall within TCS's licensed cellular wireless service area. TCS hereby amends its petition to request ETC designation for the individual wire centers that fall within TCS' licensed cellular wireless service area.

¹¹ Docket No. D2004.1.6, filed January 16, 2004.

TCS further herein petitions the Montana Public Service Commission to redefine, within this ETC proceeding, the service area for Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc. from those companies' entire study areas to those companies' individual wire centers falling within TCS' licensed cellular wireless service area.

TCS requests a determination from the Commission that its amended petition for ETC designation is in the public interest and that such ETC designation will allow it to increase wireless access and provide competitive choices in its rural service areas. TCS respectfully requests that the Commission designate it as an Eligible Telecommunications Carrier within the Montana exchanges identified in its amended petition, TCS further requests that the Commission submit a petition to the Federal Communications Commission seeking its concurrence with and agreement to the redefinition of the service areas of Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc., pursuant to the provisions of the Communications Act of 1934, as amended.

Respectfully submitted this 23rd day of November 2005.

By: 

Michael C. Sfrand, Counsel
Triangle Communication System, Inc.

Kate Whitney
Public Service Commission
1701 Prospect Ave
PO Box 202601
Helena, MT 59620-2601

Robert Nelson
Montana Consumer Counsel
616 Helena Ave, 3rd Floor
PO Box 201703
Helena, MT 59620-1703

Allen G Buckalew
J W Wilson & Associates
1601 N Kent St Ste 1104
Arlington VA 22209

Darren Moser
PO Box 429
Fairfield MT 59436

Diane Smith
Morrison & Frampton, PLLP
Frank Lloyd Wright Bld
341 Central Ave
Whitefish MT 59937

Geoff Feiss
General Manager
Montana Telecommunications
Association
208 N Montana, Suite 207
Helena MT 59601-3837

Michael C. Strand
CEO & Chief Counsel
Montana Independent
Telecommunications Systems
PO Box 5237
Helena MT 59604-5237

Michael J. Rieley, P.C.
Power Block Bldg Ste 4A
PO Box 1211
Helena MT 59624-1211

Thomas E Smith
Moulton Bellingham Longo &
Mather PC
27 N 27th St Ste 1900
PO Box 2559
Billings MT 59103-2559

Triangle Telephone Cooperative
Association Inc
2121 Highway 2 NW
PO Box 1220
Havre MT 59501-1220

INTERESTED PERSONS

Phil Maxwell
Regulatory Affairs Specialist
3 Rivers Telephone Cooperative
PO Box 836
Deer Lodge MT 59722

Exhibit F



Montana
Independent
Telecommunications
Systems

Providing Professional Services to
the Telecommunications Industry Since 1994

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2005 JAN 20 AM 10:07
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COMMISSION

ORIGINAL

January 20, 2005

Kate Whitney
Montana Public Service Commission
P.O. Box 202601
Helena, MT 59620-2601

Re: D2004.1.6 - Triangle Communication System, Inc. - Amended Petition for
ETC designation

Dear Ms. Whitney:

On November 23, 2005, Triangle Communication System, Inc. (TCS) filed its
Amended Petition for designation as an eligible telecommunications carrier in Docket
D2004.1.6.

Section III of the amended petition lists the wire centers identified for the
proposed redefined study area applicable to TCS. The Dodson exchange was
inadvertently omitted from the list.

I am enclosing a Further Amended Petition of Triangle Communication System,
Inc. The only change is substitution language on page 5 that now accurately lists all the
exchanges proposed for study area redefinition:

Chinook, Turner, Hays, Whitewater, South Malta, Chester, Harlem, Malta, and
Dodson.

Thank you for your cooperation in substituting the petition filed today for the
petition filed on Nov. 23. Please let us know if there are any concerns or questions in this
matter.

Sincerely,

Michael C. Strand
CEO and General Counsel
MITS

cc:
Parties of record

MITS, P.O. Box 5237, 2021 11th Avenue, Suite 12, Helena, MT 59601-5237
Phone: 406-443-1940 / Fax: 406-443-2880
E-Mail: mits@mitstel.com / Web Site: www.mitstel.com

 **ORIGINAL**

DEPARTMENT OF PUBLIC SERVICE REGULATION
BEFORE THE PUBLIC SERVICE COMMISSION
OF THE STATE OF MONTANA

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COMMISSION

In the matter of the petition by TRIANGLE)	
COMMUNICATION SYSTEM, INC.)	Utility Division
For Designation as an Eligible)	
Telecommunications Carrier.)	Docket No. D2004.1.6

FURTHER AMENDED PETITION OF TRIANGLE COMMUNICATION SYSTEM, INC.
FOR DESIGNATION AS AN ELIGIBLE TELECOMMUNICATIONS CARRIER

I. INTRODUCTION

Triangle Communication System, Inc., P.O. Box 1220, Havre, Montana 59501, hereby amends its petition filed with the Montana Public Service Commission (Commission) on January 16, 2004, for designation as an Eligible Telecommunications Carrier (ETC) within the Montana exchanges served by Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc.

Triangle Communication System, Inc. (TCS) originally requested ETC designation for the entire study areas of Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc.¹ TCS hereby amends its petition to request that the Commission redefine the service area for both Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc. from those companies' study areas to individual wire centers that fall within TCS' licensed cellular wireless service area.

¹ Docket No. D2004.1.6, filed January 16, 2004.

II. SERVICE AREA REDEFINITION PROCESS

Section 214(e)(5) of the Federal Telecommunications Act of 1996 provides that states may establish geographic service areas within which competitive ETCs such as TCS are required to comply with universal service obligations and are eligible to receive universal service support.² For an area served by rural incumbent LECs such as both Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc., however, the Act states that a company's service area for the purposes of ETC designation will be the rural incumbent LEC's study area "unless and until the Federal Communications Commission (FCC) and the States, after taking into account the recommendations of a Federal-State Joint Board (Joint Board), establish a different definition of service area for such company."³ This process of changing the incumbent LEC's service area — and therefore the competitive ETC's service area — is known as the redefinition of a service area. The FCC adopted section 54.207(c) of its rules to implement this requirement.⁴

²See 47 U.S.C. § 214(e)(5) ("The term 'service area' means a geographic area established by a State commission (or the Commission under paragraph (6)) for the purpose of determining universal service obligations and support mechanisms.")

³*Id.*

⁴Section 54.207(c) of the Commission's rules provides the mechanism by which a state commission may propose to redefine a rural incumbent LEC's service area for purposes of determining universal service obligations and support. See 47 C.F.R. §§ 54.207(a), (c). The Commission has authority to propose a service area redefinition on its own motion under section 54.207(d) of the Commission's rules, but such redefinition would not go into effect without the agreement of the relevant state commission. See 47 C.F.R. § 54.207(d). Under section 54.207(c)(1), a state may petition the Commission for a redefinition or a party may petition the Commission with the state's proposal to redefine. The petition must contain: (i) the definition proposed by the state commission; and (ii) the state commission's ruling or other official statement presenting the state commission's reason for adopting its proposed definition, including an analysis that takes into account the recommendations of any Federal-State Joint Board convened to provide recommendations with respect to the definition of a service area served by a rural carrier. See 47 C.F.R. § 54.207(c)(1). Section 54.207(c)(3) provides that the Commission may initiate a proceeding to consider a state commission's proposal to redefine the area served by a rural incumbent LEC within 90 days of the release date of a public notice. See 47 C.F.R. § 54.207(c)(3). If the Commission initiates a proceeding to consider the petition, the proposed definition will not take effect until both the state commission and the Commission agree upon the definition of a rural carrier service area, in accordance with section 214(c)(5) of the Act. If the Commission does not act on a petition to redefine a service area within 90 days of the release of the public notice, the definition proposed is deemed approved by the Commission and takes effect in accordance with state procedures. See 47 C.F.R. § 54.207(c)(3)(ii).

After receiving recommendations⁵ from the Joint Board, the FCC released a *Report and Order* on March 17, 2005, (CC 96-45, FCC 05-46, Adopted Feb 25, 2005), that provided guidance on the procedures applicable to the redefinition of rural service areas. In paragraph 79 of its 2005 ETC Order, the FCC stated its intention to apply the standards previously set forth in its *Highland Cellular ETC Designation Order* and *Virginia Cellular ETC Designation Order* when considering whether to grant a petition for redefinition.

In the *Virginia Cellular ETC Designation Order* (*Virginia Cellular Order*), the FCC determined that when defining a service area other than the study area it would take into account three factors: (1) minimizing cream skimming; (2) recognizing that the 1996 Act places rural telephone companies on a different competitive footing from other LECs; and (3) recognizing the administrative burden of requiring rural telephone companies to calculate costs at something other than a study area level.⁶

The first factor to consider is whether redefinition of the study area will present any risk of creamskimming. As the FCC explained in paragraph 26 of its *Highland Cellular ETC Designation Order*,⁷ rural cream skimming occurs when competitors serve only the low-cost, high revenue customers in a rural telephone company's study area.⁸ TCS is clearly not

⁵ See *Federal-State Joint Board on Universal Service*, Recommended Decision, CC Docket No. 96-45, 19 FCC Rcd 4257, 4258, para. 2 (2004) (*Recommended Decision*).

⁶ In the *Matter of Federal-State Joint Board on Universal Service; Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 03-338, adopted December 31, 2003, released January 22, 2004 (*Virginia Cellular ETC Order*).

⁷ See In the *Matter of Federal-State Joint Board on Universal Service; Highland Cellular, Inc. Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia*, CC Docket No. 96-45, Memorandum Opinion and Order, FCC 04-37, adopted February 24, 2004, released April 12, 2004 (*Highland Cellular ETC Order*).

⁸ See also: *1996 Recommended Decision*, 12 FCC Rcd at 180, para. 172. "Creamskimming" refers to instances in which a carrier serves only the customers that are the least expensive to serve, thereby undercutting the ILEC's ability to provide service throughout the area. See, e.g., *Universal Service Order*, 12 FCC Rcd at 8881-2, para. 189.

creamskimming. TCS seeks to be designated within its entire FCC-licensed cellular service area. It has not picked only certain areas within its licensed cellular service area.

The second factor that must be considered is whether redefinition will impact the regulatory status of the affected rural telephone company or companies under the Telecommunications Act of 1996. There is nothing that would affect the regulatory treatment of either Triangle Telephone Cooperative Association, Inc. or Central Montana Communications, Inc. Also, the FCC has made the determination that redefinition of the study area does not affect embedded costs of the company or the amount of universal service support that it receives.⁹

The third factor to be considered is whether any administrative burdens will result from the redefinition of the service area. The administrative ease of calculating costs on a less-than-study area level is not an issue because any federal universal service support available to TCS would be based on the per-line support available to the incumbent ETCs. In the *Virginia Cellular ETC Order*, the FCC determined that redefining the rural telephone company service areas will not require the rural telephone companies to determine their costs on a basis other than the study area level. Rather, the redefinition merely enables competitive ETCs to serve areas that are smaller than the entire incumbent local exchange company study area. The redefinition does not modify the existing rules applicable to rural telephone companies for calculating costs on a study area basis, nor, as a practical matter, the manner in which they will comply with these rules. The FCC found that the concern that redefining rural service areas would impose additional administrative burdens on affected rural telephone companies was not at issue.¹⁰

⁹ In the matter of Virginia Cellular, LLC Petition for Designation as an Eligible Telecommunications Carrier in the Commonwealth of Virginia, CC Docket No. 96-45, Memorandum and Opinion and Order, FCC 03-338, Paragraphs 41 and 43, released January 23, 2004.

¹⁰ Id. ¶ 44

Through its testimony, TCS will demonstrate that redefining the service areas of both Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc. that are applicable for TCS' ETC status and approving TCS' application for ETC designation for those redefined service areas are in the public interest.

III. LIST OF WIRE CENTERS

The Triangle Telephone Cooperative Association, Inc. wire centers that would comprise the redefined study area applicable to TCS are: Chinook, Turner, Hays, Whitewater, South Malta and Chester.

The Central Montana Communications, Inc. wire centers that would comprise the redefined study area applicable to TCS are: Harlem, **Dodson**, and Malta.

IV. CONCLUSION

Triangle Communication System, Inc. (TCS) originally requested ETC designation for the entire study areas of Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc.¹¹ Triangle Communication System, Inc. provides the supported services, satisfies all applicable requirements, and can and will meet the obligations of an ETC within service areas of Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc. that fall within TCS's licensed cellular wireless service area. TCS hereby amends its petition to request ETC designation for the individual wire centers that fall within TCS' licensed cellular wireless service area.

¹¹ Docket No. D2004.1.6, filed January 16, 2004.

TCS further herein petitions the Montana Public Service Commission to redefine, within this ETC proceeding, the service area for Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc. from those companies' entire study areas to those companies' individual wire centers falling within TCS' licensed cellular wireless service area.

TCS requests a determination from the Commission that its amended petition for ETC designation is in the public interest and that such ETC designation will allow it to increase wireless access and provide competitive choices in its rural service areas. TCS respectfully requests that the Commission designate it as an Eligible Telecommunications Carrier within the Montana exchanges identified in its amended petition. TCS further requests that the Commission submit a petition to the Federal Communications Commission seeking its concurrence with and agreement to the redefinition of the service areas of Triangle Telephone Cooperative Association, Inc. and Central Montana Communications, Inc., pursuant to the provisions of the Communications Act of 1934, as amended.

Respectfully submitted this 20th day of January 2006.

By: 

Michael C. Strand, Counsel
Triangle Communication System, Inc.

DOCKET D2004.1.6

SERVICE
LIST

ORIGINAL

Kate Whitney
Public Service Commission
1701 Prospect Ave
PO Box 202601
Helena, MT 59620-2601

Robert Nelson
Montana Consumer Counsel
616 Helena Ave, 3rd Floor
PO Box 201703
Helena, MT 59620-1703

Allen G Buckalew
J W Wilson & Associates
1601 N Kent St Ste 1104
Arlington VA 22209

Darren Moser
PO Box 429
Fairfield MT 59436

Diane Smith
Morrison & Frampton, PLLP
Frank Lloyd Wright Bld
341 Central Ave
Whitefish MT 59937

Geoff Feiss
General Manager
Montana Telecommunications
Association
208 N Montana, Suite 207
Helena MT 59601-3837

Michael C. Strand
CEO & Chief Counsel
Montana Independent
Telecommunications Systems
PO Box 5237
Helena MT 59604-5237

Michael J. Rieley, P.C.
Power Block Bldg Ste 4A
PO Box 1211
Helena MT 59624-1211

Thomas E Smith
Moulton Bellingham Longo &
Mather PC
27 N 27th St Ste 1900
PO Box 2559
Billings MT 59103-2559

Triangle Telephone Cooperative
Association Inc
2121 Highway 2 NW
PO Box 1220
Havre MT 59501-1220

INTERESTED PERSONS

Phil Maxwell
Regulatory Affairs Specialist
3 Rivers Telephone Cooperative
PO Box 836
Deer Lodge MT 59722

Exhibit G

October 30, 2008

Chairman Kevin Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell

Ms. Marlene Dortch, Secretary
Federal Communications Commission
455 12th Street, SW
Washington, DC 20554

Re: Universal Service (CC Docket No. 96-45); DA 07-4719
Initiation of a Proceeding to Consider a Petition to Redefine Certain Rural
Telephone Company Service Areas in the State of Montana

I am sending this letter in support of a pending petition before the Federal Communications Commission (FCC) that involves Triangle Communications System, Inc. (Tri-Com), a small, rural wireless telecommunications provider in Montana. As already approved by the Montana Public Service Commission, the FCC should grant Tri-Com Eligible Telecommunications Carrier (ETC) status thus allowing them to deploy additional wireless telecommunication services in the areas of Dodson, Harlem, Malta, South Malta, Chester, Chinook, Hays, Turner and Whitewater.

The above noted areas wherein Tri-Com is requesting ETC status are very rural and in dire need of improved cell phone service in the areas around our small communities. Dependable cell phone service is essential when our students and school buses travel those rural roads in sub-zero temperatures to and from school and other school sponsored activities. For someone having a medical emergency or car trouble, the closest landline telephone to use for help may be several miles away.

Just as the Montana Public Service Commission has approved Tri-Com's request on this matter, I/we ask that the FCC also rule in favor of Tri-Com in order to improve cellular services in our very rural part of the world. Thank you for your time and immediate consideration of this matter.

Sincerely,

JAKE DOWEN

P.O. Box 979 Harlem MT 59526 687 Newton Dr
Fort Belknap

October 30, 2008

Chairman Kevin Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell

Ms. Marlene Dortch, Secretary
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Sincerely,

Shawn Mount
PO Box 315
Hays MT 59527

Shawn Mount 673-3717
540 School Rd
Foot Belknap

October 30, 2008

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Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
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Sincerely,

Tamera Goldsmith
James Goldsmith 353-4856
PO Box 191 Fort Belknap
Harlem

October 30, 2008

Chairman Kevin Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
Commissioner Robert M. McDowell

Ms. Marlene Dortch, Secretary
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455 12th Street, SW
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Sincerely,

Clinton J Weigand

357-2647

PO Box 932

126 Ohio Apt 106

Chinook, MT

October 30, 2008

Chairman Kevin Martin
Commissioner Michael J. Copps
Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
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Sincerely,

Sonia Powell
Box 505
Chinook, MT. 59523
357-2535
112 9th ST
Chinook

October 30, 2008

Chairman Kevin Martin
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Sincerely,

353-2982 Nancy Jarvis
15 Dakota Ln. P.O. Box 762
Harlem, MT 59526

October 30, 2008

Chairman Kevin Martin
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Commissioner Jonathan S. Adelstein
Commissioner Deborah Taylor Tate
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Sincerely,

Frank Edward Possum Archambault

PO Box 1141

353-2341

220 Central Ave

Harlem, MT

Triangle Communication System, Inc.

Exhibit H

Coverage	ILEC by Wire Center	Total ILEC Service Area			Proposed TCS ETC Service Area			Outside TCS ETC Service Area		
		Population	Square Miles	Density	Population	Square Miles	Density	Population	Square Miles	Density
CENTRAL MONTANA COMMUNICATIONS, INC.										
	DENTON	376	340.0	1.11				376	340.0	1.11
ENTIRE	DODSON	42	106.1	0.40	42	106.1	0.40			
	FORT BENTON	1206	250.5	4.81				1206	250.5	4.81
	GERALDINE	415	525.5	0.79				415	525.5	0.79
ENTIRE	HARLEM	1385	254.6	5.44	1385	254.6	5.44			
	HARLOWTON	1178	783.0	1.50				1178	783.0	1.50
	HOBSON	400	350.1	1.14				400	350.1	1.14
	JUDITH GAP	881	416.1	2.12				881	416.1	2.12
ENTIRE	MALTA	2312	296.2	7.81	2312	296.2	7.81			
	MARTINSDALE	422	686.0	0.62				422	686.0	0.62
	MOORE	812	385.1	2.11				812	385.1	2.11
	STANFORD	514	418.8	1.23				514	418.8	1.23
	WHITE SULPHUR SPRINGS	452	335.2	1.35				452	335.2	1.35
Total Population Coverage (2010 Census Blocks):		10,395			3,739			6,656		
Total Coverage Area (square mile):			5,147.21			656.94			4,490.28	
Total Density				2.02			5.69			1.48
TRIANGLE TELEPHONE COOPERATIVE ASSN., INC.										
	BIG SANDY	1401	530.0	2.64				1401	530.0	2.64
	BIG TIMBER	3457	1363.5	2.54				3457	1363.5	2.54
	BOXELDER	394	147.9	2.66				394	147.9	2.66
	BROADVIEW	1041	424.0	2.46				1041	424.0	2.46
ENTIRE	CHESTER	398	237.9	1.67	398	237.9	1.67			
ENTIRE	CHINOOK	2382	1786.4	1.33	2382	1786.4	1.33			
	GILDFORD	243	238.4	1.02				243	238.4	1.02
ENTIRE	HAYS	2186	1300.0	1.68	2186	1300.0	1.68			
	HINGHAM	154	170.7	0.90				154	170.7	0.90
	HOPP-ILLIAD	566	1160.6	0.49				566	1160.6	0.49
	JOPLIN	823	659.1	1.25				823	659.1	1.25
	KREMLIN	229	225.1	1.02				229	225.1	1.02
	LOMA	333	482.5	0.69				333	482.5	0.69
	MELVILLE	550	641.1	0.86				550	641.1	0.86
	MOLT	1495	251.9	5.93				1495	251.9	5.93
	NORTH HAVRE	305	396.0	0.77				305	396.0	0.77
	RAPELJE	491	406.4	1.21				491	406.4	1.21
	REEDPOINT	582	320.2	1.82				582	320.2	1.82
	RUDYARD	362	487.6	0.74				362	487.6	0.74
	SIMPSON	359	452.5	0.79				359	452.5	0.79
	SOUTH CHESTER	518	337.1	1.54				518	337.1	1.54
	SOUTH HAVRE	4176	561.9	7.43				4176	561.9	7.43
ENTIRE	SOUTH MALTA	602	2111.1	0.29	602	2111.1	0.29			
ENTIRE	SOUTH MALTA (N)	351	623.3	0.56	351	623.3	0.56			
ENTIRE	TURNER	489	1052.9	0.46	489	1052.9	0.46			
ENTIRE	WHITEWATER	551	973.56	0.57	551	973.6	0.57			
	WINIFRED	763	1,016.24	0.75				763	1,016.24	0.75
Total Population Coverage (2010 Census Blocks):		25,201			6,959			18,242		
Total Coverage Area (square mile):			18,357.78			8,085.18			10,272.60	
Total Density				1.37			0.86			1.78